IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

-

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16202 of 2004

-

Between:

M/s.J.D.Electronics, H.No.4-1-825, J.N.Road,
Abids, Hyderabad, represented by its Managing Partner,
Sri Dharamchand Sethia

..... PETITIONER

AND

-

Employees' Provident Funds Organization, Andhra Pradesh, Barkatpura, Hyderabad-27,
rep., by its Assistant Provident Fund Commissioner (C&R), Circle-I, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondent and issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus, declaring that the action of the respondent in issuing proceedings No.AP/19507, dated 10-8-2004 as illegal, unjust, contrary to law, arbitrary, without jurisdiction, in violation of principles of natural justice and in violation of Articles, 14, 16 and 21 of the Constitution of India, and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent: MR.R.N.REDDY

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Sanding Counsel for the respondent. Both have no objection for disposal of the writ petition at the admission stage.

Against the order passed under Section 7(A) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act') the petitioner filed review petition under Section 7(B) of the Act and sought for stay of all further proceedings in pursuance of the order passed under Section 7(A) dated 10-8-2004. Against the said review petition, present writ petition is filed questioning the assessment order passed under Section 7(A) of the Act.

Learned counsel for the petitioner submits that when this court remanded the matter to the authorities in W.P.No.2344 of 1990 while disposing of the writ petition by order dated 23-2-1990 with a direction to the respondent to decide the matter after giving an opportunity of hearing to the petitioner and pass speaking order, the delay on the part of the respondents in passing final orders on the review petition filed by the petitioner is illegal and arbitrary. Even though all the records are made available to the previous officer, who heard the matter, but he has not passed final orders, and the present incumbent without hearing the petitioner, passed the impugned order, which is liable to be set aside.

Since the review petition has already been filed under Section 7(B) of the Act, the petitioner can raise all the above grounds before the revisional authority, and the respondent shall pass speaking orders on the review petition filed by the petitioner after giving due opportunity to the petitioner. Till the review petition filed under Section 7(B) of the Act is disposed of, the respondents shall not take any coercive steps for due recovery of the amount pursuant to the impugned order.

With the above direction, the Writ Petition is disposed of at the admission stage.

_____

A. Gopal Reddy, J.

10th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Assistant Provident Fund Commissioner (C&R),

Employees' Provident Funds Organization, Andhra Pradesh, Barkatpura, Hyderabad-27, Circle-I,

Hyderabad.

2 2 CD copies.